

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY	)	MDL No. 1456
AVERAGE WHOLESAL PRICE	)	
LITIGATION	)	CIVIL ACTION: 01-CV-12257-PBS
	)	
THIS DOCUMENT RELATES TO:	)	
	)	Judge Patti B. Saris
ALL ACTIONS	)	
	)	
	)	
	)	
	)	

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**[PROPOSED] ORDER ON B. BRAUN OF AMERICA INC.'S RENEWED MOTION TO  
DISMISS THE AMENDED MASTER CONSOLIDATED CLASS ACTION COMPLAINT**

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WHEREAS B. Braun of America Inc. filed a Renewed Motion to Dismiss the Amended Master Consolidated Class Action Complaint pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6). Having considered the arguments presented by the parties, for the reasons expressed in the Memorandum filed by B. Braun of America Inc. in support of its Renewed Motion to Dismiss, it is hereby ORDERED that B. Braun of America Inc. is DISMISSED WITH PREJUDICE as a defendant in the Amended Master Consolidated Class Action Complaint.

It is so ORDERED.

Entered this \_\_\_\_ day of September, 2004.

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Patti B. Saris  
United States District Judge

Dated: September 10, 2004

Respectfully submitted,

s/ Colin R. Kass

Daniel F. Attridge, P.C.

Colin R. Kass

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***Counsel for B. Braun of America Inc.***

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing [Proposed] Order on B. Braun of America Inc.'s Renewed Motion to Dismiss the Amended Master Consolidated Class Action Complaint has been served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties on this 10<sup>th</sup> day of September, 2004.

s/ Colin R. Kass  
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